

REMARKS

These remarks are in response to the Office Action mailed August 11, 2003. Claims 11, 13, 23 and 26 have been canceled without prejudice to Applicants' right to prosecute the canceled subject matter in any divisional, continuation, continuation-in-part, or other application. Claims 6, 9-10, 14-15, 22 and 25 have been amended. The claims have been amended as suggested by the Examiner and to generally correct antecedent basis for certain claim terms and to correct dependencies. No new matter is believed to have been introduced.

Applicants acknowledge the Examiner's indication that the claims are free of the prior art.

I. THE ABSTRACT

Applicants have amended the abstract as suggested by the Examiner.

II. CLAIM OBJECTIONS

Claim 26 stands objected to under 37 C.F.R. §1.75 as allegedly being substantially duplicative of claim 6. Claim 26 has been canceled thus the objection may be removed.

III. REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 6, 8-26, and 29-31 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action alleges that the claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection.

Applicants have amended claim 6 to remove recitation of "the same or another" and replace it with "a" as suggested by the Examiner. The rejection may be properly withdrawn.

Claims 6, 8-26, and 29-31 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is moot with respect to canceled claims 11, 13, 23 and 26.

Claim 6 has been amended as suggested by the Examiner at page 4 of the Office Action.

Claim 9 has been amended as suggested by the Examiner at page 5 of the Office Action.

Claim 10 has been amended to correct antecedent basis.

Claim 11 has been canceled.

Claim 13 has been canceled.

Claim 14 has been amended to depend from claim 6 and to set forth proper antecedent basis.

Claim 22 has been amended as suggested by the Examiner at page 5 of the Office Action.

Claim 23 has been canceled.

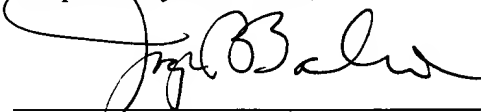
Applicants submit that the §112, second paragraph rejection may be properly withdrawn.

Enclosed is a \$950 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Date: _____

2/10/04

Respectfully submitted,



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APPENDIX A

ABSTRACT

Multiple cell layers are formed with one cell layer formed on another cell layer. A carrier is provided having an alginate gel layer formed on a porous membrane. An extracellular matrix component gel layer or extracellular matrix component sponge layer may be formed on the alginate gel layer. A cell layer is formed on the alginate gel layer, or the extracellular matrix component gel layer or extracellular matrix component sponge layer. The alginate gel layer is solubilized such as with a chelating agent to exfoliate the cell layer from the porous membrane, and the exfoliated cell layer is placed on another cell layer on a carrier. The number of cell layers formed on each other may be 1-10, preferably 1-5, and more preferably 1-3.